

UNITED STATES DISTRICT COURT**SOUTHERN DISTRICT OF NEW YORK****THE BARRY WHITE FAMILY TRUST U/A/D: DECEMBER 19, 1980,**

Plaintiff,

v.

JOE COOLEY and RODNEY DAVID OLIVER p/k/a RODNEY-O, et al.,

Defendants.

Case No. 1:24-cv-07509 (DLC)**Subject: Statement on Withdrawal and Request for Equal Consideration**

Dear Judge Cote,

I'd like to address the Plaintiff's recent decision to withdraw its claim against me and explain why I believe this raises larger questions about the case overall.

Plaintiff's counsel stated: "*The public records show your writing interest. Based on your representations, we are withdrawing the claim against you. Nothing was done maliciously or in bad faith.*" Respectfully, this statement is both legally and logically inconsistent with the claim of copyright infringement at the heart of this lawsuit.

If the Plaintiff believes that *Everlasting Bass* infringes a Barry White composition — and then acknowledges that public records show I have a writing interest in *Everlasting Bass* — they are effectively saying: "*We're dropping the case against someone who helped create the allegedly infringing work.*" That doesn't make legal sense unless the case itself was weak to begin with.

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In fact, if the Plaintiff truly believed that I had a writing interest, I would expect them to continue with discovery to disprove that interest. Instead, they are withdrawing their claim solely based on my statements — not evidence. If my own statements alone are sufficient to dismiss me, despite the Plaintiff's admission that I may have co-authored the allegedly infringing work, then it follows that either Mr. Rodney Oliver shares the same defense, or that the entire foundation of the Plaintiff's claim deserves re-evaluation.

What I've been asking for — and still haven't received — is basic documentation showing that the Barry White Family Trust owns the work and that their attorney had the legal authority to bring this lawsuit. That hasn't been provided. I believe the real reason the Plaintiff is letting me go is because I've been pressing for answers. Dropping me now feels more like a way to avoid those questions than an acknowledgment that I never should have been named.

This lawsuit put me under real pressure. I didn't write or produce *Everlasting Bass*, but being threatened with a million-dollar claim pushed me to defend myself in ways I now regret. I spoke out publicly under stress and wrongly placed blame on Rodney David Oliver. I didn't understand the full situation at the time. Rodney has supported me despite how I acted, and I appreciate that. This lawsuit hasn't just hurt me — it's hurt both of us and the legacy we share as pioneers in West Coast hip-hop. *Everlasting Bass* is a part of that legacy.

I respectfully ask that my participation in this case not go without purpose. I ask the Court to require the Plaintiff to provide the documentation I've been requesting — not just to justify my dismissal, but to ensure that Rodney is also cleared from this case. If I'm being released based on facts the Plaintiff refuses to make public, then Rodney deserves the same consideration.

Thank you for hearing me out.

Dated: May 20, 2025

Respectfully submitted,

/s/ Joe Cooley, Pro Se

248 E 157th Street

Gardena, CA 90248

cooleyjoe011@gmail.com

CERTIFICATE OF SERVICE

I hereby certify that on May 20, 2025, I served a true and correct copy of the foregoing Statement via email on:

Dorothy M. Weber, Esq.

Herbsman Hafer Weber & Frisch LLP
494 Eighth Avenue, Suite 600
New York, NY 10001

Email: dorothy@musiclaw.com

/s/ Joe Cooley

Pro Se Defendant

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5/19/25, 2:22 PM Gmail - FW: Activity in Case 1:24-cv-07509-DLC The Barry White Family Trust U/A/D: December 19, 1980, By its Duly Empowered ...
EXHIBIT A



Joe Cooley <cooleyjoe011@gmail.com>

**FW: Activity in Case 1:24-cv-07509-DLC The Barry White Family Trust U/A/D:
December 19, 1980, By its Duly Empowered Trustees v. Cooley et al Order**

5 messages

Dorothy Weber <dorothy@musiclaw.com> Fri, Apr 25, 2025 at 10:18 AM
 To: "rodneyolivermusic@gmail.com" <rodneyolivermusic@gmail.com>, "cooleyjoe011@gmail.com"
 <cooleyjoe011@gmail.com>

Hi: Here is a courtesy copy of the Order filed on ECF today.

Please let me know about Monday---I really do think we could make progress on a call.

Thanks.

Dorothy M. Weber, Esq.
 Herbsman Hafer Weber & Frisch, LLP
 494 Eighth Avenue, Suite 600
 New York, NY 10001
 Direct Dial: (646) 795-6068
 Fax: (212) 956-6471
 E-Mail: dorothy@musiclaw.com
<http://www.linkedin.com/in/dorothymweberesq/>

From: Ricardo Rosado <ricardo@musiclaw.com>
Sent: Friday, April 25, 2025 12:57 PM
To: Dorothy Weber <dorothy@musiclaw.com>; Rakhil Kalantarova <rakhil@musiclaw.com>; Jeremy Herbsman <jeremy@musiclaw.com>
Subject: FW: Activity in Case 1:24-cv-07509-DLC The Barry White Family Trust U/A/D: December 19, 1980, By its Duly Empowered Trustees v. Cooley et al Order

See attached.

Sincerely,

<https://mail.google.com/mail/u/2/?ik=a44409d1dc&view=pt&search=all&permthid=thread-f:1830395870296185118&simpl=msg-f:18303958702961851...> 1/4

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I don't see any order to have a call. The judge suggest we pick up the phone but its not required. I'll feel more comfortable if what we say is documented. We are communicating just fine. I am not refusing to provide you anything or not communicate although you lied to the court and said different. Can I record the call?

Joe
[Quoted text hidden]

Joe Cooley <cooleyyjoe011@gmail.com>
To: Dorothy Weber <dorothy@musiclaw.com>, Rodney <rodneyolivermusic@gmail.com>

Wed, May 7, 2025 at 8:48 PM

Ms Weber

I will sign if you edit the settlement to state the following

"I am willing to sign a mutual dismissal agreement if the Plaintiff acknowledges in writing that I was not a proper party to this lawsuit and that my inclusion caused reputational and professional harm. If it is later shown that the claim against me was brought maliciously or in bad faith, I reserve the right to seek further relief, including a public apology and appropriate remedy.

Joe
[Quoted text hidden]

Dorothy Weber <dorothy@musiclaw.com>
To: Joe Cooley <cooleyyjoe011@gmail.com>, Rodney <rodneyolivermusic@gmail.com>

Thu, May 8, 2025 at 6:49 AM

Sorry Mr. Cooley. Those statements are not correct so they cannot be added.

The public records show your writing interest. Based on your representations, we are withdrawing the claim against you. Nothing was done maliciously or in bad faith.

[Quoted text hidden]

Case No. 1:24-cv-07509 (DLC)

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November 21, 2025. Opposition served by December 19, 2025. Reply served by January 16, 2026. (AS FURTHER SET FORTH HEREIN.) If you have any questions, you may direct them to the Pro Se Office. SO ORDERED. (Deposition due by 8/1/2025., Discovery due by 10/3/2025., Fact Discovery due by 8/1/2025.) (Signed by Judge Denise L. Cote on 4/25/2025) (vfr)

1:24-cv-07509-DLC Notice has been electronically mailed to:

Dorothy M Weber dorothy@musiclaw.com, chic@musiclaw.com, jamesd@musiclaw.com

1:24-cv-07509-DLC Notice has been delivered by other means to:

d/b/a Not Intrested Publishing

Joe Cooley

Rodney David Oliver
11074 Oso Avenue
Chatsworth, CA 91311

The following document(s) are associated with this transaction:

Document description: Main Document

Original filename: n/a

Electronic document Stamp:

[STAMP dcecfStamp_ID=1008691343 [Date=4/25/2025] [FileNumber=32922380-0] [aa6d9183cdbd23cbf469e026e3a8f6c51145ff700aaff409cf922b8d61d0647e43bafc2e8f55103e928548c388ef53ff1b31d71fc6368584c4e60d5b3ac58d83]]

 **Dkt. 80 - Scheduling Order.pdf**
214K

Dorothy Weber <dorothy@musiclaw.com>
To: Joe Cooley <cooleyjoe011@gmail.com>, Rodney <rodneyolivermusic@gmail.com>

Wed, May 7, 2025 at 1:49 PM

Gentlemen: I refer you to this email and also page 12-13 of the transcript of the hearing.

Very truly yours,

[Quoted text hidden]

 **Dkt. 80 - Scheduling Order.pdf**
214K

Joe Cooley <cooleyjoe011@gmail.com>
To: Dorothy Weber <dorothy@musiclaw.com>

Wed, May 7, 2025 at 8:05 PM

Ms. Weber

I do not feel a phone call will be effective. I just need a document showing the trust has current control of the copyright, That will give me the belief you brought this claim against me with a valid reason and not with ill will. If you can provide that I will sign and be done, Hearing that the sheet music doesn't have the bassline on it. I am starting to think you did file a meritless claim. I could understand a possible oversight of ownership, but to not have the bassline in the sheet music and still sue us.... I know you are not that sloppy to miss that. So it would have to be ill will that you filed this lawsuit.

<https://mail.google.com/mail/u/2/?ik=a44409d1dc&view=pt&search=all&permthid=thread-f:1830395870296185118&simpl=msg-f:18303958702961851...> 3/4

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Ricardo Rosado

Legal Assistant to Dorothy M. Weber, Esq.

Herbsman, Hafer, Weber & Frisch, LLP

494 Eighth Avenue, 6th Floor

New York, New York 10001

Phone: 646 – 795 - 6064

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Email: ricardo@musiclaw.com

From: NYSD_ECF_Pool@nysd.uscourts.gov <NYSD_ECF_Pool@nysd.uscourts.gov>**Sent:** Friday, April 25, 2025 12:53 PM**To:** CourtMail@nysd.uscourts.gov**Subject:** Activity in Case 1:24-cv-07509-DLC The Barry White Family Trust U/A/D: December 19, 1980, By its Duly Empowered Trustees v. Cooley et al Order

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U.S. District Court

Southern District of New York

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The following transaction was entered on 4/25/2025 at 12:53 PM EDT and filed on 4/25/2025

Case Name: The Barry White Family Trust U/A/D: December 19, 1980, By its Duly Empowered Trustees v. Cooley et al

Case Number: 1:24-cv-07509-DLC

Filer:

Document Number: 80

Docket Text:

ORDER: As set forth at the telephonic pretrial conference held pursuant to Rule 16, Fed. R. Civ. P., on April 24, 2025, the following schedule shall govern the further conduct of pretrial proceedings in this case: Initial interrogatories and Requests pursuant to Rule 34, Fed. R. Civ. P., may not be served after May 16, 2025. Responses to Interrogatories and Requests should be submitted by June 13, 2025. This case will be referred to mediation to occur during the month of July 2025. The Clerk of Court will contact the parties when a mediator has been selected. All fact discovery, including depositions, must be completed by August 1, 2025. Expert reports and disclosure of expert testimony conforming to the requirements of Rule 26(a) (2) (B), Fed. R. Civ. P., by the party bearing the burden on an issue must be served by August 15, 2025. Identification of rebuttal experts and disclosure of their expert testimony must occur by September 12, 2025. All discovery must be completed by October 3, 2025. Any motion for summary judgment will be served by the following dates: Motion served by

<https://mail.google.com/mail/u/2/?ik=a44409d1dc&view=pt&search=all&permthid=thread-f:1830395870296185118&simpl=msg-f:18303958702961851...> 2/4

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